IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.15631 of 2004

Between:

M/s. Vinedale Distilleries Ltd., Gaganpahad,

Hyderabad, rep. by Director, S.L. Narayana
S/o. Sri S.G. Rao, 708, Swapnalok Complex,

S.D. Road, Secunderabd-500 003.

..... PETITIONER

AND

1.The Government of Andhra Pradesh, rep.by Secretary,

Environment, Forest, Science and Technology Department
Secretariat, Hyderabad.
2. Andhra Pradesh Pollution Control Board, Paryavaran Bhavan,

A-III, Industrial Estate, Sanathnagar,

(Adjacent to Hyderabad Industries), Hyderabad-500 018.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction, declaring the action of the 1st respondent herein in not re-constituting the Appellate Authority under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 as illegal, arbitrary and unreasonable and opposed to the very spirit and object of the

provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act 1981 and consequently suspend the closure order No. C.A. Nos.368-373/PCB/TF-Hyd/2001-113, dated 11-9-2001 issued by the 2nd respondent herein pending re-constitution of the Appellate Authority by the Government, 1st respondent herein.

Counsel for the Petitioner: Mr.A.V.SESHA SAI

Counsel for Respondent No.1 : G.P. FOR FORESTS

Counsel for Respondent No.2 : Mr. S.V.BHATT,

S.C.FOR APPCB.

The Court at the stage of admission made the following:

ORAL ORDER: (per the Hon'ble the Chief Justice)

This writ petition has been filed seeking a mandamus declaring the action of first respondent in not re-constituting appellate authority under the Water (Prevention and Control of Pollution) Act, 1974, as illegal and arbitrary.

The petitioner's unit was closed and an appeal has been preferred, which was not being heard, and is kept pending.

It has been brought to our notice that appellate authority has been constituted earlier and term of the Chairman expired and a new Chairman has been appointed and has taken over charge and other members are also being appointed.

Appellate authority now being functional, nothing survives in the writ petition, and the same is rendered infructuous.

The writ petition is dismissed as having been rendered infructuous. No costs.

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(DEVINDER GUPTA, C.J.)

28th September 2004.

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(C.V.RAMULU, J.)

ARS
To

1.The Secretary to Government of Andhra Pradesh, Environment, Forest, Science and Technology Department, Secretariat, Hyderabad.
2. Andhra Pradesh Pollution Control Board, Paryavaran Bhavan,

A-III, Industrial Estate, Sanathnagar,(Adjacent to Hyderabad Industries), Hyderabad-500 018.

3.Two C.Cs. to Govt. Pleader for Forests, High Courts Bldgs., Hyderabad (OUT).

4.Two C.D. copies.